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Before the FEDERAL COMMUNICATIONS COMMISSION Washington, DC 20554

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In the Matter of)		2002
)		FEDERAL COMMUNICATIONS COMMISSION
Amendment of Section 73.202(b))		OFFICE OF THE SECRETARY
Table of Allotments)	MB Docket No	
FM Broadcast Stations)	RM	
(Lahaina and Waianae, Hawaii))		

To: Assistant Chief, Audio Division

Media Bureau

PETITION FOR RULE MAKING

Pacific Radio Group ("Pacific"), licensee of Station KLHI, by its counsel, hereby requests that the Commission amend the FM Table of Allotments to delete Channel 266C at Lahaina, Hawaii and allot Channel 266C at Waianae, Hawaii for use by KLHI. No other changes are requested. If this petition is granted, Pacific will file an application for a construction permit on Channel 266C at Waianae and construct the facilities if its application is granted. In support hereof, Pacific states as follows:

The following table summarizes the changes requested in this Petition: 1.

City	Channel		
	Existing	Proposed	
Lahaina, Hawaii	266C		
Waianae, Hawaii		266C	

2. As demonstrated in the accompanying Engineering Statement, Channel 266C can be allotted to Waianae, Hawaii at coordinates 21-23-51 North Latitude, 158-06-01 West Longitude consistent with Section 73.207 of the Commission's Rules. See Exhibit E2. From the allotment coordinates, a 70 dBu signal is provided over all of Waianae. See Exhibits E3-E4.

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The relocation of KLHI to Waianae will result in a net gain of 743,337 persons within the 60 dBu contour of the station. *See* Exhibit E5. The entire loss area will remain well-served by at least five aural services. *See* Exhibit E6-E7.

- 3. Pacific desires to change the community of license for Station KLHI from Lahaina to Waianae under the guidelines set forth in Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 3870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990) ("Community of License"). There, the Commission stated that a station may change its community of license without subjecting the licensee to other expressions of interest if (1) the proposed allotment is mutually exclusive with the current allotment; (2) the current community of license will not be deprived of its only local service; and (3) the proposed arrangement of allotments is preferred under the Commission's allotment priorities. These criteria are met here. First, the proposed use of Channel 266C at Waianae is mutually exclusive with the current use of Channel 266C at Lahaina. See Exhibit E2. Second, Lahaina will not be deprived of its only local service because Station KPOA, Channel 228C, will remain licensed to Lahaina. Third, the provision of a first local service at Waianae (2000 U.S. Census population 10,506) under Priority 3 will result in a preferential arrangement of allotments over the retention of a second local service at Lahaina (2000 U. S. Census population 9,118) under Priority 4. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982).
- 4. Although Waianae is located outside the Honolulu Urbanized Area, the proposed 70 dBu contour will cover 100 percent of the Honolulu Urbanized Area. Therefore, the Commission will require evidence that Waianae is an independent community, and not

dependent upon Honolulu for the majority of its services. See Headland, Alabama and Chattahoochee, Florida, 10 FCC Rcd 10352 (1995).

5. In this case, there is ample evidence from which to conclude that Waianae deserves a first local service preference. In making the determination whether to award an urbanized community a first local service preference, the Commission will consider the extent the station will provide service to the entire Urbanized Area, the relative populations and proximity of the suburban and central city, and, most importantly, the independence of the suburban community. Faye and Richard Tuck, 3 FCC Rcd 5374 (1988). In this case, from the proposed transmitter site, KLHI will place a 70 dBu contour over 100 percent of the Honolulu Urbanized Area. Waianae is located approximately 40 kilometers away from Honolulu. The 2000 Census population of Waianae (10,506) is 2.8 percent of the population of Honolulu (371,657). These figures are similar to those of other suburban communities granted a first local preference. See, e.g., Anniston, Alabama, et al., 16 FCC Rcd 3411, recon. denied, 2001 FCC Lexis 6055 (2001) and cases cited therein. In any event, the Commission has repeatedly stated that the factors of relative size and proximity are less important than evidence of independence. See Headland, Alabama, supra. The following analysis of the eight Tuck factors demonstrates the independence of Waianae from Honolulu.1

Although Waianae is a census-designated place ("CDP"), this status has no bearing on its independence from Honolulu. *All* communities in the State of Hawaii are CDPs, including Honolulu itself. Thus, every allotment the Commission has made within Hawaii has been to a CDP, including many allotments to CDPs that are – unlike Waianae – within the Honolulu Urbanized Area, such as Aiea (Channel 300C), Pearl City (Channel 270C), Wahiawa (Channel 278A), and Waipahu (Channels 222C and 274C).

(1) Extent to which the residents of Waianae, Hawaii, work in Waianae. The population of Waianae was 10,506 in 2000 (U.S. Census Bureau, Census 2000). This represents an increase of 19.9% from the 1990 U.S. Census figure of 8,758 for Waianae. According to the 1990 U.S. Census Database, the last year for which statistics are available, 847 of the 3,413 workers (24.8%) work in their place of residence. Waianae also has it own zip code, 96792, and two U.S. Post Office locations. See Exhibit 2.

According to Faith Arkawa, head librarian at Waianae Public Library, there are several hundred small businesses in Waianae. The largest private employer of Waianae residents is Waianae Coast Comprehensive Health Center. The State of Hawaii and the County of Honolulu are the largest government employers of Waianae residents.

- (2) Local newspapers and other local media cover Waianae's needs and interests. Waianae has two local monthly newspapers, the West Coast Chronicle and Westside Stories, which report on local news and events happening in Waianae and other Oahu West Coast local communities. West Coast Chronicle will soon be making its publication available on-line through the Internet at www.wcc.tmf.org. See Exhibit 2.
- (3) Community leaders and residents perceive Waianae as separate from Honolulu. The City of Waianae (literally meaning "Water of the Mullet") has its own unique identity and history that are separate from that of Honolulu. Waianae is located in Honolulu County on the southwestern coast of the island of Oahu between Makaha and Maili along State Route 93 near Pokai Bay and the Lualuahei Reservoir. Waianae's coastline, also known as Leeward Shore, was formed by the oldest lava flow on the island of Oahu, and Makua Valley in Waianae was formerly used as a bombing range by the U.S. military.

Although located adjacent to the greater Honolulu metropolitan area, Waianae is geographically separated from the City of Honolulu by the Waianae Mountains. The mountains limit travel and commerce between the two communities. Only one road leaves Waianae in the direction of Honolulu, traversing ten miles of coastline before connecting with Interstate Route H1. The distance is over an hour's drive by car. Because of the remote location of Waianae, its relative isolation, and its geographic distance from the City of Honolulu, the residents of Waianae do not consider themselves part of Honolulu. Residents of Waianae use their local City Hall as their connection to basic governmental services. Residents also look to the Waianae local businesses for their day-to-day resources.

- Waianae does have its own City Hall, which serves as a satellite office for local County services, such as drivers licenses and vehicle registration. The County of Honolulu employs local residents at City Hall to provide general governmental services for Waianae residents. Waianae residents elect their own council member to represent their interests in County council matters. Waianae also has its own Neighborhood Board that makes recommendations to the County council for improvements to Waianae. See Exhibit 2.
- (5) Waianae has its own zip code, and is included within a separate smaller telephone directory. The zip code designated exclusively for the Waianae is 96792. See Exhibit 2. The U.S. Postal Service has two offices in Waianae: the Nanakuli station at 87-2070 Farrington Highway and the Waianae Main Post Office at 86-014 Farrington Highway. See Exhibit 2. A local telephone directory is issued for the entire island of

Oahu, but a smaller telephone directory is issued for Leeward Coast, which includes Wajanae.

substantial number of these businesses identify with the community by using "Waianae" in their name, for example: Waianae Coast Reality, Nani O Waianae, Waianae Coast Income Tax Service, Waianae Coast Kitchen, Waianae Auto Detailing, Waianae Electric, Waianae Drug, Waianae Beach Packaged Store, Waianae Ice House, Waianae Meat Market, Waianae Mobile Auto Repair, Waianae Chinese Kitchen, Waianae Speed Wash, and Waianae Cleaners Orchids of Waianae, Inc. Waianae retail businesses range from shopping to tourism, many of which are located either in Waianae Mall or Waianae Shopping Center. Dining establishments in Waianae include: Aurelio's Steak & Seafood Restaurant, Hui On Restaurant, Uncle Lani's Poi Mochi, and Hannara's along with many local markets. The Hawaiian Princess Hotel and Makaha Beach Cabanas are hotels located in Waianae. Banking services are provided by the American Savings Bank, Bank of Hawaii, and First Hawaiian. See Exhibit 2.

A number of health care providers are located in Waianae. *See* Exhibit 2. Medical services are available for community residents from many local doctors including the Waianae Comprehensive Health Center and Waianae Eye Clinic. Dental care is provided by Waianae Coastal Dental Care Center and Waianae Dental, as well as by various other local dentists. Veterinary services may be obtained from Waianae Veterinary Clinic.

Waianae is also home to a number of religious organizations, such as Waianae Baptist Church, Waianae Protestant Church, Waianae Samoan Assembly of God, Waianae Seventh-Day Adventist, Waianae United Methodist Church, Waianae United Pentecostal Church, and Divine Church of God and Sacred Heart Church. *See* Exhibit 2. Other religions such as Buddhism also have places of worship in Waianae. There are several civic organizations in Waianae including: the Waianae Business Center, which is similar to a local area Chamber of Commerce; Hale Na'au Pono ("The House of Inner Balance"), a non-profit organization which provides behavioral health services for children and adults; Nani 'O Waianae, a non-profit community beautification organization; Waianae Coast Coalition, which features the YMCA and Boys and Girls Club; the Waianae Elders Council; and Legal Services for Children. *See* Exhibit 2. Community activities and events that occur in Waianae include: the Waianae Coast Cultural Festival and events sponsored by the Waianae Coast Coalition and the Waianae Public Library.

- (7) Waianae is a separate and distinct advertising market from Honolulu. Because of the remoteness of Waianae from Honolulu, businesses advertise locally in West Coast Chronicle and the Westside Stories publications. Additionally, businesses join the Waianae Business Center for increased visibility and community activism. While some local businesses advertise in the Honolulu Star Bulletin, it is to attract non-Waianae residents to their establishments. Thus, visitors and residents of Waianae do not need to travel to Honolulu or seek out other media sources in order to find what is happening in their community.
- (8) Waianae's schools and library systems are operated by the State of Hawaii, and its police and fire services are provided the County. The State of Hawaii operates the Waianae Public Library that serves the local community. The Waianae Public Library is open six days a week, and has 180,000 materials in annual circulation.

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It has computer and Internet access, a meeting room, a video and book-on-tape collection and a career reference center. The library has several weekly programs for children, and offers a summer reading program of children and young adults.

The State of Hawaii Department of Education provides public school education for the children of Waianae. Waianae has an elementary, intermediate and high school, each carrying Waianae in their names. A number of private schools and daycare centers also exist in Waianae. See Exhibit 2.

Waianae has its own police and fire departments, but both the police and fire services are under the County's jurisdiction. The police station located in Waianae is a substation of the Waianae District Police, District 8, and has seven full-time officers plus non-officer staff. Because of its proximity to the Pacific coastline, the department also patrols the coast. The Waianae Fire Department also has station located in Waianae, and provides both fire protection and medical emergency/ambulance services for the local residents.

The City of Waianae has a full range of parks and recreation services that are available to the residents of Waianae. The city operates a recreation center complete with various athletic fields and courts for tennis, soccer, softball, baseball and basketball. It has a full range of recreational activities for the youth, including a favorite local pastime, surfing. The city operates a harbor, and has a country club and golf club. There are neighborhood parks and playgrounds, throughout the city. *See* Exhibit 2.

6. Grant of this petition is in the public interest because Waianae will receive its first local service and more than seven hundred thousand additional people will be able to receive radio service. Pacific reiterates that if the Commission allocates Channel 266C to Waianae, it

will file an application and construct the facility. The Commission should promptly issue a Notice of Proposed Rule Making as described herein.

Respectfully submitted,

PACIFIC RADIO GROUP, INC.

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Its Counsel

July 31, 2002



Engineering Statement
In Support of a
Petition for Rulemaking
KLHI

Pacific Radio Group, Inc.

Prepared By:

American Media Services, LLC. 1311 Chuck Dawley Blvd. Suite 202 Mount Pleasant, SC 29464 (843)972-2200

Engineering Statement In Support of a Petition for Rulemaking KLHI

Pacific Radio Group, Inc.

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General

This petition for rule making (PRM) was prepared for Pacific Radio Group, Inc. ("Pacific"), licensee of KLHI channel 266C, Lahaina, HI. Pacific proposes to delete channel 266C at Lahaina, HI and subsequently allocate channel 266C to Waianae, HI as the community's first local service. Pacific proposes that the license of KLHI be modified accordingly.

The PRM seeks the allotment of channel 266C at Waianae, HI, in lieu of channel 266C at Lahaina, HI. The allotment of 266C at Waianae does not require any additional spectrum modifications that allow for the upgrade of KLHI.

Methods

The Pacific PRM begins with the associated allocation or channel spacing study. Additional exhibits then support the proposed modification's technical compliance. All searches were performed using V-Soft's FMCONT program and then verified using Au Contraire's FMSTUDY search program. The FCC(50,50) contour distances were calculated using RadioSoft's Comstudy ver. 2.2. The studies were based on the latest technical data from the Commission's database. Mapping was conducted using a combination of RadioSoft's Comstudy ver. 2.2, and Delorme Street Atlas 9.0. Population figures and gain/loss areas were conducted using RadioSoft's Comstudy ver. 2.2.

Population figures are based on 2000 U.S. Census data. The exact Waianae community

boundary is shown in Delorme Street Atlas 9.0. The community boundary was cross-checked with the U.S. Census Bureau's TIGER map. See Exhibit E4.

Since the modification requires an antenna site change, the PRM includes a gain/loss study for population and square kilometers. Since the facility requires a community of license change, the PRM includes a remaining services study depicting that no white or gray area exists in the PRM.

Nature of the Pacific PRM

A summary of the community and its related channel, present and proposed, is included in Exhibit E1 for reference. Pacific proposes to delete channel 266C at Lahaina, HI and substitute channel 266C at Waianae, HI for use by KLHI. No additional stations require modification for compliance with §73.207. The PRM provides for first local service at Waianae, HI, and increases the number of persons served.

The allotment of channel 266C does not require any additional spectrum modifications.

Exhibits Explained

KLHI

Exhibit E2 is an allocation study depicting the spacing to all known FM facilities that are affected by the allotment of channel 266C at Waianae, HI. The study depicts all of the on-channel and adjacent channel modifications required. Exhibit E3 is a map generated using the programs listed in the Methods section of the PRM. This study depicts the KLHI channel 266C allotment coordinates, a maximum class C 70 dBu contour, and the community boundaries of Waianae, HI which is located approximately 40 km from Honolulu, HI. Exhibits E2 and E3 demonstrate full compliance with §73.315 of the rules. Exhibit E4 is a U.S. Census Bureau TIGER map of the community of Waianae, HI.

Exhibit E5 is a map demonstrating the gain and loss area of the respective interference free contours for KLHI. Exhibit E6 is a map depicting the remaining services in the loss area after KLHI is deleted at Lahaina, HI and allocated to Waianae, HI. Exhibit E7 is a list of the facilities included in Exhibit E6. The contour numbers correspond to the numbers on the associated contours of Exhibit E6.

The Pacific PRM Gain-Loss Area

Exhibit E8 is a tabulation of the gain/loss area for the facility that requires an antenna location change. The study includes one facility that has a deviation in its coverage area proposed by the PRM. Listed in the study is the station's loss and gain area listed in square kilometers and the population gains and losses in number of persons according to the 2000 U.S. Census Bureau's population figures. It depicts a cumulative total loss area of 26,475 and a gain area of 26,475. The Pacific PRM has a net gain of 0 square kilometers.

The Population loss has a cumulative loss of 132,927, while the population gain is 876,264 persons. Therefore, the net population gain of the Pacific PRM is 743,337 persons.

Conclusion

The Pacific PRM has demonstrated that it is in technical compliance with the present Commission Rules concerning such actions. The PRM produces a new first local service at Waianae, HI. Lahaina, HI will continue to receive service from KPOA-FM.

Statement of the Consultants

The engineering portion of the Petition for Rulemaking was prepared for Pacific Communications, Inc. It was developed by American Media Services, LLC.("AMS") and may not be used for purposes other than submission to the Commission by Pacific. It may not be reproduced in its entirety, or in part, by anyone (other than from the Commission) without the written consent of AMS.

The information in this application is compiled from the most recent Commission and outside data. AMS is not responsible for errors resulting from incorrect data or unpublished rule and procedure changes.

For American Media Services, LLC.

July 22, 2002

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Summary of channel assignments (Depicts all communities, channels, and modifications)

Community	Present	Proposed	Comments
Waianae, HI		266C	Delete channel 266C at Lahaina, HI and
	ł	1	Change community of license to
			Waianae, HI on channel 266C as first
			local service.
Lahaina, HI	228C, 266C	228C	Delete channel 266C at Lahaina, HI and
			Change community of license to
			Waianae, HI.
			Also served by KPOA-FM

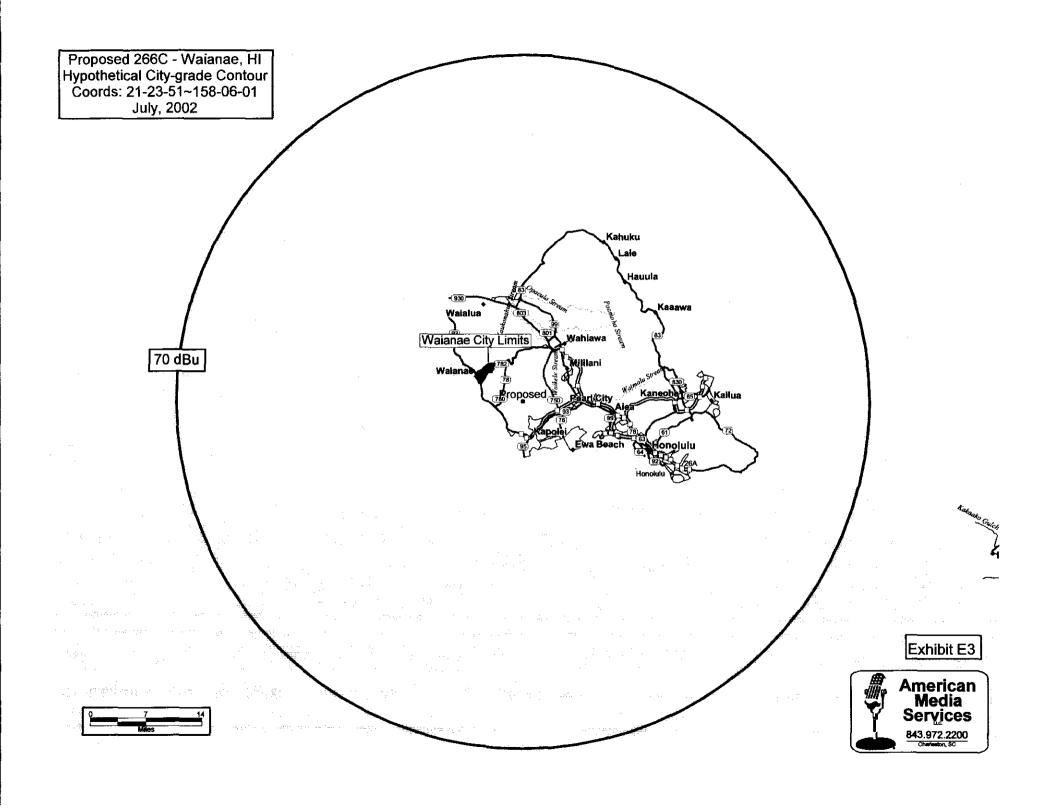


Engineering Statement In Support of a Petition for Rulemaking KLHI

Pacific Radio Group, Inc.

Allocation Study: Channel 266C - Waianae

21 23	51 N		CLASS = C				
158 06	01 W	Curi	rent Spaci	ngs		SEARCH (07 - 15-02
		Channel	L 266 - 10	1.1 MHz -			-
Call	Channel			Dist		FCC	Margin
KLHIFM	LIC 266C	Lahaina	HI		114.2	290.0	-91.89
	Concern:						
		es of KLHI before					
20 39	36 156	21 50 DCY 7	72.000 kW	69	96 M		
KTUH	LIC 212A	Honolulu	HI	30.59	109.9	29.0	1.59

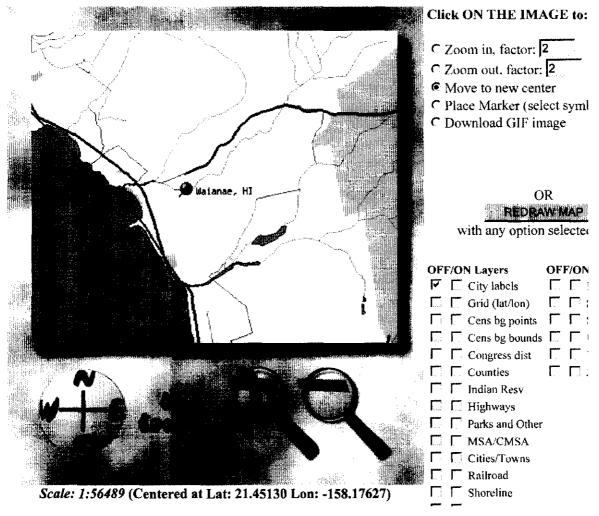


TIGER map of Waianae, HI

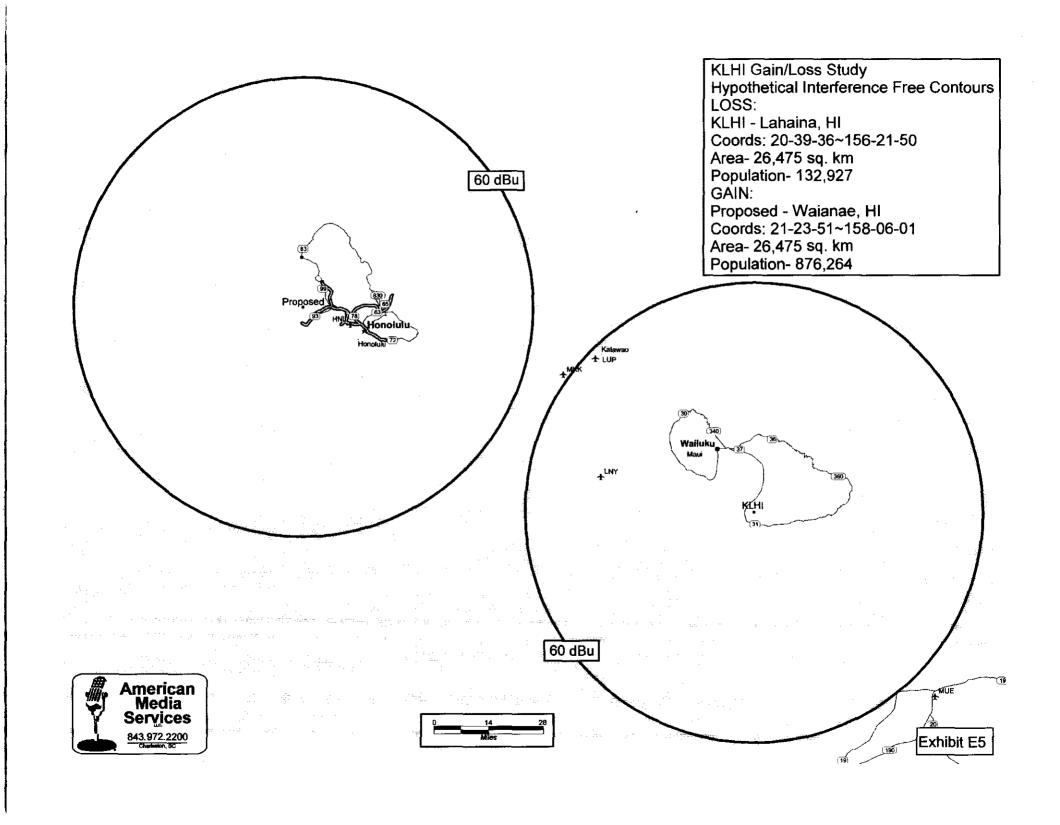
U.S. Census Bureau

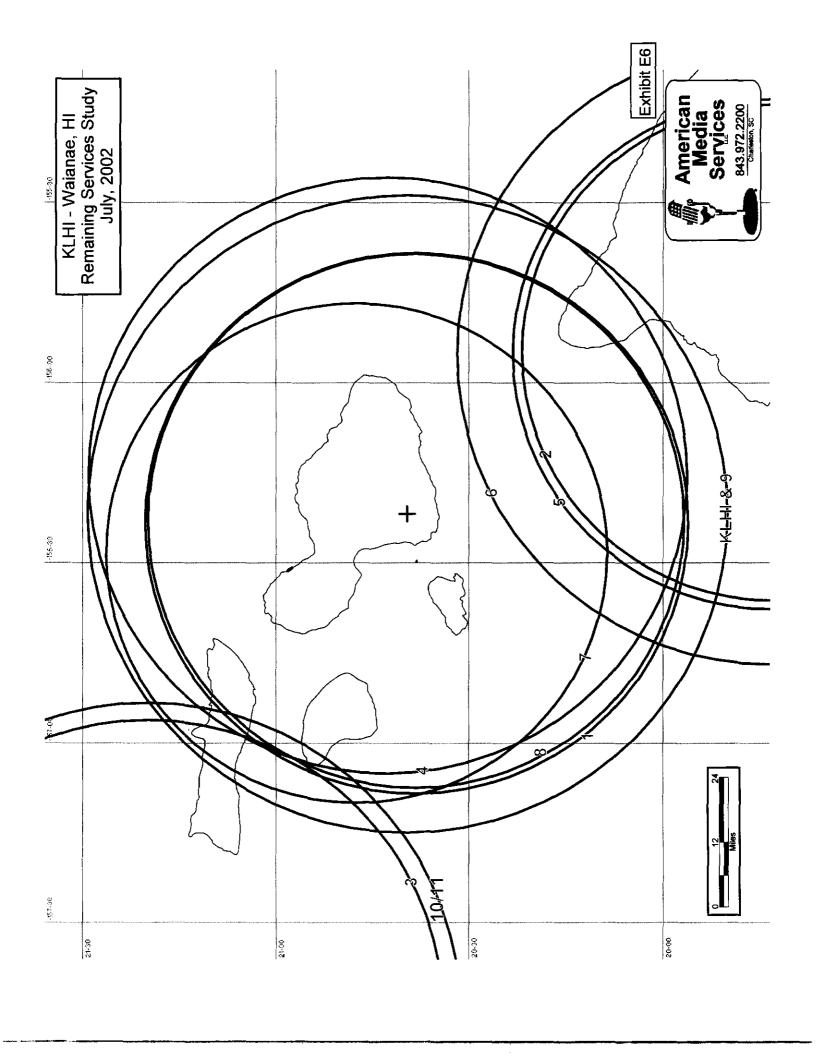


This mapping engine uses 1998 TIGER/Line® data and 1990 Decennial Census data.









KLHI - Remaining Services

Contour #	Call Sign	City of License	Channel
1	KAOI-FM	WAILUKU, HI	236C
2	KAOY	KEALAKEKUA, HI	268C1
3	KHPR	HONOLULU, HI	201C
4	KKUA	WAILUKU, HI	214C
5	KLEO	KAHALUU, HI	291C
6	KLUA	KAILUA KONA, HI	230C
7	KNUI-FM	KAHULUI, HI	260C1
8	KNUQ	PAAUILO, HI	279C
9	KPOA	LAHAINA, HI	228C
10	KRTR-FM	KAILUA, HI	242C
11	KXME	KANEOHE, HI	282C

Cumulative Gain/Loss Study

Station	City	Area Gain(sq. km)	Area Loss(sq. km)	Pop . Gain(2000)	Pop. Loss(2000)
KLHI	Waianae, HI	26,475	26,475	876,264	132,927
Totals		26,475	26,475	876,264	132,927

Net Totals: Area Gain(sq. km):

Pop. Gain(2000):

743,337



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U.S. Census Bureau

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Quick Tables

QT-P3. Race and Hispanic or Latino: 2000

Data Set: Census 2000 Summary File 1 (SF 1) 100-Percent Data

Geographic Area: Waianae CDP, Hawaii

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see http://factfinder.census.gov/home/en/datanotes/expsf1u.htm.

Subject	Number	Percent
RACE		
Total population	10,506	100.0
One race	6,102	58.1
White	982	9.3
Black or African American	85	0.8
American Indian and Alaska Native	27	0.3
American Indian	20	0.2
Alaska Native	0	0.0
Both American Indian and Alaska Native	 3	0.0
American Indian or Alaska Native, not specified	+ + +	0.7
Asian	2,042	19.4
Asian Indian	5	0.0
Chinese	156	1.5
Filipino	1,155	11.0
Japanese	474	4.5
Korean	18	0.2
Vietnamese	1	0.0
Other Asian category	49	0.5
Two or more Asian categories	184	1.8
Native Hawaiian and Other Pacific Islander	2,864	27.3
Native Hawaiian	2,417	23.0
Samoan	273	2.6
Guamanian or Chamorro	11	0.1
Other Pacific Islander category	56	0.5
Two or more Native Hawaiian or Other Pacific Islander categories	107	1.0
Some other race	102	1.0
Two or more races	4,404	41.9
Two races including Some other race	177	1.7
Two races excluding Some other race, and three or more races	4,227	40.2
Two races excluding Some other race	2,469	23.5
Three or more races	1,758	16.7
HISPANIC OR LATINO		
Total population	10,506	100.0
Hispanic or Latino (of any race)	1,471	14.0
Mexican	146	1.4
Puerto Rican	600	5.7
Cuban	9	0.1
Other Hispanic or Latino	716	6.8
Not Hispanic or Latino	9,035	86.0
RACE AND HISPANIC OR LATINO		
Total population	10,506	100.0
One race	6,102	58.1
Hispanic or Latino	580	5.5
Not Hispanic or Latino	5,522	52.6
Two or more races	4,404	41.9
Hispanic or Latino	891	8.5
The partie of Latino	091	0.0

U.S. Census Bureau

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Detailed Tables

C

P046. PLACE OF WORK---PLACE LEVEL - Universe: Workers 16 years and over Data Set: 1990 Summary Tape File 3 (STF 3) - Sample data

NOTE: For information on confidentiality, sampling error, nonsampling error, and definitions, see http://factfinder.census.gov/home/en/datanotes/expstf390.htm.

	Waianae CDP, Hawaii
Living in a place:	
Worked in place of residence	847
Worked outside place of residence	2,566
Not living in a place	0

U.S. Bureau of the Census

1990 Census of Population and Housing

Standard Error/Variance documentation for this dataset:

Variance Document for STF 3 (PDF 84KB)